

# GOVERNING HARPSWELL

## A Brief Guide to Town Government



## **History**

The Harpswell form of government – Town Meeting and Selectmen – dates from well before the American Revolution. In much of colonial New England, the religious congregation, having decided to be self-governing, also constituted the Town Meeting, a body which levied a local tax and selected men to supervise the spending of the funds raised. By the end of the 1700s, with the separation of the church from the functions of government, the Town Meeting and Selectmen became the usual form of government in Massachusetts (including the District of Maine), New Hampshire and Vermont. Harpswell was incorporated in 1758. In 1820, Maine became a State and the Town Meeting form of government has remained to the present day as the most prevalent form of local government. This form of government is unique to New England.

## **Maine Law and Home Rule**

Municipalities have no independent standing but are considered political subdivisions of the State. As a result, Harpswell may only act as authorized by Maine law. The Maine Constitution grants Harpswell and other municipalities home rule authority to handle many matters, except where expressly banned from doing so, and those which are “local and municipal.” The State mandates certain matters, although in some cases the Town may adopt more strict provisions than the law requires. One good example is the State requirement that each municipality have a Shoreland Zoning Ordinance, which must adhere to specific requirements but which may be more restrictive in some respects.

## **Town Meeting**

The Town Meeting is the legislature of the Town of Harpswell. It is composed of all registered voters of the Town who choose to assemble when called into session. Although the term “town meeting” is used loosely elsewhere, in Maine it means a formal institution of government. When it assembles, the Town Meeting elects a Moderator to preside over the session.

Only the Town Meeting may decide to raise funds through taxes to support municipal activities and determine what activities are to be supported. No municipal activity may be undertaken without such Town Meeting approval except when mandated by the State.

The Town Meeting also has the principal authority to adopt ordinances, the local laws applying in Harpswell. Both the spending and ordinance articles for consideration are listed on the Warrant for the Town Meeting, which must be completed and posted publicly seven days before the people assemble. The Warrant may not be changed and proposed ordinances may not be amended during the Town Meeting.

The Town Meeting takes action either at public gatherings or by referendums. Each town is required to have at least one session of the Town Meeting each year, but special Town Meetings may also be called. The Annual Town Meeting in Harpswell customarily takes place the second Saturday in March. The Selectmen may call for a referendum or such votes may be called by petition, used mainly when the Selectmen do not act.

## **Selectmen**

The executive and administrative functions of the Town of Harpswell are the responsibility of the three Selectmen, who are elected for three-year terms by a vote of the Town Meeting conducted by secret ballot. The Selectmen usually meet every other Thursday evening, but may hold other meetings as needed.

The Selectmen have the responsibility for the expenditure of public funds and must vote in public on all spending, which has been authorized by the Town Meeting. They also have responsibilities authorized by laws and ordinances. They adopt ordinances concerning parking, cable television and general public assistance. They adopt policies relating to the exercise of their responsibilities or matters under their supervision. They conduct public hearings. All decisions of the Selectmen must be made at a public meeting.

Harpswell has more shoreline than any other municipality in Maine, so many municipal activities relate to the shore and adjoining waters including shellfish management, harbors, the placement of moorings, and water quality. The Selectmen also supervise codes enforcement, especially relating to land use matters and are assisted by a professionally qualified staff. They also are assisted by a planning staff. The Town operates recycling and waste transfer facilities under the supervision of the Selectmen. In addition, with the help of staff, they are responsible for public recreation activities.

The Selectmen prepare the Warrant for the Town Meeting, and it is customary in Harpswell that they make recommendations on the various articles.

With the approval of the Town Meeting, the Selectmen contract with the Cumberland County Sheriff for law enforcement services. Fire and rescue protection is provided by three separate volunteer companies – Harpswell Neck, Cundy's Harbor and Orr's-Bailey Islands – which are partially taxpayer supported. The Town has 911 service.

## **Assessors**

The Selectmen also serve as Harpswell's Assessors. Because taxation is exclusively a State matter, levying property taxes is a delegated State function and the Assessors must follow State guidelines and are not subject to the Town Meeting in these matters. The Assessors determine the value of land and buildings within the Town. The day-to-day work is carried out by Assessors' Agents, professional qualified staff members. The Assessors set the tax rate and order the collection of taxes through the Tax Commitment, consider requests for abatement and may allow hardship abatements. Appeals from decisions of the Assessors are heard by the Cumberland County Commissioners.

## **Overseers of the Poor**

Dealing with public assistance matters is also a responsibility of the Selectmen. The trained staff reviews requests for assistance or identifies situations where assistance might be warranted. The Overseers of the Poor may direct specific measures or act as a review body for staff decisions.

## **Town Administrator**

The Selectmen have decided that the day-to-day administration on Town affairs and the supervision of the staff should be carried out by the Town Administrator. The Town Meeting has approved this arrangement through its appropriations. The Town Administrator acts on behalf of the Town on many administrative matters and maintains liaison with the Town Attorney, Town Engineer, and Town Auditor, outside entities chosen from time to time by the Selectmen.

## **Committees, Commission, Boards**

Harpswell has a number of bodies which play their roles in town government. The Planning Board and Board of Appeals are required by State law and serve as quasi-judicial bodies to make decisions concerning certain matters prescribed by law or ordinance, mostly relating to land use. They are independent of other town institutions and their decisions may be appealed to the Maine Superior Court.

Two other bodies are also provided for under the law. The Town has decided to have a Conservation Commission, which is responsible for keeping an index of all open areas and recommending programs for the protection, development or use of these areas. The Comprehensive Plan Committee produces a draft plan every 10 years for consideration by the Town Meeting and an Implementation Committee follows up on the plan adopted.

The Harbor and Waterfront and Marine Resources Committees are established by ordinance. Other committees include Budget Advisory, Fire and Rescue, Library, Recreation, Solid Waste and Town Lands. These committees are advisory to the Selectmen and Town Meeting. The Selectmen make appointments to all committees annually and townspeople are encouraged to volunteer.

## **Treasurer**

The Treasurer, whose duties are prescribed by law, is elected by the Town Meeting for a three-year term. The Treasurer disburses funds when authorized by the Selectmen, maintains a bank account and keeps the municipal financial records. In Harpswell, the Treasurer carries out other functions including handling the issuance of debt and oversight over many financial operations.

## **Road Commissioner**

The Road Commissioner is elected by the Town Meeting for a three-year term and the job description is described in State law: "The road commissioner, under the direction of a majority of the selectmen, shall have charge of the repairs of all highways and bridges within the towns and shall have authority to employ the necessary personnel and equipment and purchase material for the repair of highways and bridges. The road commissioner shall give bond to the satisfaction of the selectmen and be responsible to them for the expenditure of money and discharge of his duties generally."

## **Town Clerk**

The Town Clerk, also elected by the Town Meeting for a three-year term, carries out duties set by State law. The Town Clerk manages Town Meetings and elections, issues permits and local and State licenses. The Town Clerk is also assigned specific duties under four of the Town's ordinances, most notably the Marine Resources Ordinance. The Town Clerk issues annual mooring permits and stickers for use of the Recycling and Transfer Stations. The Selectmen also customarily appoint the Town Clerk to be Registrar of Voters.

## **Tax Collector**

The Tax Collector is elected by the Town Meeting for a three-year term. The job description is contained in Maine law. Just as the Assessors exercise delegated State responsibilities in levying taxes, the Tax Collector also carries out delegated responsibilities in collecting taxes both property and excise. The Tax Collector is assigned the duty of executing the Tax Commitment and obtaining the required revenues for the Town. The Tax Collector also issues motor vehicle and boat registrations.

## **Maine Freedom of Access Law**

Maine has a strong "sunshine" law, which guarantees any person access to meetings of boards of public officials (Selectmen, Board of Appeals, Planning Board, committees) for their deliberations and decisions as well as to almost all documents. Harpswell has its own Freedom of Access Policy with some more specific requirements. When dealing with administrative matters, the Selectmen hold informal meetings, which are open to the public. Executive sessions are limited and no decision can be made in such a session.

## **For more information**

The Town's website is [www.harpswell.maine.gov](http://www.harpswell.maine.gov) Contact the Selectmen or Town Administrator at 207-833-5771. Also watch Harpswell Community Television on broadcast and cable channel 14 and see local newspapers such as the *Harpswell Anchor*, the *Times-Record*, *The Forecaster* and *Portland Press-Herald*.